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PATENT
ATTORNEY DOCKET: 46884-5392

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Yasuhiro SUZUKI et al.) Confirmation No.: 4264
Application No.: 10/539,067) Group Art Unit: 2622
Filed: April 27, 2006) Examiner: Richard M. Bemben
For: PHOTODETECTOR)

Commissioner for Patents
U.S. Patent and Trademark Office
Alexandria, VA 22314

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the document listed on the attached PTO Form 1449. This Information Disclosure Statement is being filed after the events recited in § 1.97(b) but, to the undersigned's knowledge, before the mailing date of a Final Action, a Notice of Allowance, or another action that closes prosecution in the above-referenced application. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00, as specified by § 1.17(p).

Applicants bring to the attention of the Examiner the cited U.S. application publication. In particular, U.S. Application No. 10/539,068 (Attorney Docket No. 46884-5391), filed April 20, 2006, published as cited U.S. Publication No. 2006/0227220. FC:1806 180.00 OP

Applicants bring to the attention of the Examiner a Double Patenting rejection that issued in the above-mentioned U.S. Application No. 10/539,068 in an Office Action dated November

26, 2008. A copy of the November 26, 2008 Office Action including this Double Patenting rejection is attached for the Examiner's consideration.

Applicants respectfully request that the Examiner consider the listed document and evidence that consideration by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "Prior Art". If it should be determined that the listed document does not constitute "Prior Art" under the United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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By: 

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Date: April 2, 2009

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